

Chapter 2

Voter Registration at Department of Motor Vehicles (DMV) Field Offices

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I. NVRA Requirements for DMV Voter Registration

The National Voter Registration Act of 1993 (NVRA) requires the Department of Motor Vehicles (DMV) to provide voter registration services to people who apply for, renew or change an address for a driver license or personal identification card (DL/ID) issued by the DMV. Information regarding an applicant's decision whether or not to register to vote must be kept confidential and may not be used for any purpose other than voter registration. The office at which an applicant submits a voter registration application must also remain confidential and may be used only for voter registration purposes. Any change of address form submitted for a DL/ID must also serve as a notice of change of address for voter registration purposes, unless the individual indicates otherwise on the change of address form.

Voter Registration Services Provided by the DMV

- Provide a Voter Registration Card (VRC) attached to DL/ID application forms (DL 44 and DL 44C);
- Include with the DL/ID Renewal By Mail/Internet notice letters a VRC for people who may have moved to a different county;
- Provide county VRCs separate from the DL/ID application forms for customers who want to register to vote but who are not applying for, renewing, or changing an address for a DL/ID;
- Accept change of address requests for DL/ID purposes as notice of change of address for voter registration purposes, unless the registrant indicates otherwise on the change of address form;
- On a daily basis, transmit change of address data electronically to the Secretary of State;
- Expeditiously transmit completed VRCs to the local county elections office. At a minimum, the NVRA requires VRCs to be forwarded within 10 days of acceptance; however, VRCs received within five days of the voter registration deadline must be transmitted no later than five days after acceptance;
- Provide voter registration information and a link to the Secretary of State's website on the DMV's website and on DL/ID change of address Internet transactions; and
- Refer all telephone or in-person inquiries from a customer regarding voter registration *status* to the county elections office.

II. DMV Forms and Procedures

A. In Person

1. DL/ID Application/Renewal/Replacement – DL 44/DL 44C

A VRC is attached to the DL/ID application, called the DL 44 (or DL 44C for commercial licenses), which is completed by applicants applying in person for a new, renewal, or replacement DL/ID. The applicant may use this VRC to register to vote or the applicant may decline to register to vote by indicating that choice on the DL 44.

The DL 44 form includes Section 6, which addresses two questions:

a. ***Do you wish to register to vote or change your political party preference?***

The applicant has the choice of two responses to this question: YES or NO. The DMV employee ensures that the applicant checks one of the two boxes.

YES If the applicant checks this box, the form instructs the applicant to complete the attached VRC. The DMV employee will also prompt any applicant who checks this box to complete the attached VRC. If the applicant would like to complete the VRC later, he or she is given a county VRC that can be taken from the DMV field office and mailed to the county elections office address that is preprinted on the VRC and is postage-paid. A voter registration receipt is printed and given to the applicant.

NO If the applicant checks this box, the form instructs the applicant not to complete the attached VRC. However, the applicant still has the option of completing or taking home the VRC.

If the applicant checks neither box, then the DMV employee asks the applicant to check either YES or NO.

b. ***Do you wish to change your voter address?***

This section applies to applicants who are currently registered to vote. If the applicant does not know if they have moved to a different county, the DMV will verify this

If the applicant selects “N”, the DMV employee enters this information into the system. If the applicant does not select “N”, the change of address information on the form is captured by the DMV system and sent electronically to the Secretary of State.

If the applicant has moved to a new county or wants to register to vote, they are given a VRC. If the applicant is unsure whether they moved to a new county, the DMV will verify if the applicant has moved to a different county.

3. DMV Voter Registration Card

The Secretary of State prints VRCs for the DMV so that all DMV field offices can provide separate VRCs to applicants who want to register to vote but are not transacting an original, renewal, or change of address DL/ID application. These VRCs include a DMV icon in the upper right-hand corner of the VRC for NVRA registration tracking and reporting purposes. DMV field offices within counties designated as minority language counties by the federal Voting Rights Act provide VRCs in the prescribed minority language(s) of that county. Applicants who wish to register in this way may provide the VRC to the DMV for submission or they may mail it directly to their county elections office, as the VRCs are postage-paid and pre-addressed accordingly.

4. Assistance by DMV Employees

DMV employees do not complete entries on a VRC unless an applicant requests assistance. DMV employees check to make sure that applicants complete and sign the VRC if the applicant indicates on the DL/ID application (DL 44 or DL 44C) that he or she would like to register to vote, change party preference, or change their voter address from one county to another. DMV employees are **not** required to sign the VRC as the person assisting with the registration.

If an applicant has difficulty completing the English language VRC, the DMV employee should:

- Ask the applicant if he/she prefers a VRC in another language.
- If the VRC is not available at the DMV field office in the appropriate language, give the applicant the appropriate 800 number to order election materials in the preferred language.

- Inform the applicant the VRC may be completed elsewhere, if preferred.

If applicants have specific questions beyond the basic eligibility requirements to register to vote, DMV employees should refer them to the Secretary of State or the county elections office.

B. By Mail

1. DL/ID Renewal

DMV's renewal by mail process allows applicants to register to vote and change their voter registration address. All applicants who qualify for the renewal by mail process are mailed a renewal notice, DL 6/DL 6C Renewal by Mail/Internet, which has an enclosed VRC. Voter registration information from Section 6 of the DL 6/DL 6C is then processed the same as with an in-person applicant, except that no receipt is given to the applicant. The enclosed VRC has a pre-printed return address to the Secretary of State and is postage-paid. The Secretary of State forwards VRCs to the county elections office in the county where the voter resides.

2. Change of Address

DMV's change of address by mail process allows applicants to register to vote and change their voter registration address. All applicants who qualify for the DMV change of address by mail process are mailed a DMV 14 and a VRC. The enclosed VRC has a pre-printed return address to the Secretary of State and is postage-paid. The Secretary of State forwards VRCs to the county elections office in the county where the voter resides. If an applicant inadvertently mails the completed VRC along with the license renewal application material to DMV, the DMV will send the VRC to the Secretary of State for forwarding to the appropriate county elections office.

C. Internet

1. DL/ID Renewal

DMV allows eligible applicants to renew their DL/ID via the Internet. The DMV website notifies applicants that they may register to vote with the Secretary of State and provides a link to the Voter Registration web page of the Secretary of State's website. An online fillable version of the National Mail Voter Registration Form is available on this web page. However, at this time, the Secretary

of State is unable to track and report the number of voter registrations that stem specifically from DMV applicants who view DMV's website notice and then use the Secretary of State's online fillable form to register to vote.

2. Change of Address

The DMV allows eligible applicants to submit a change of address to their DL/ID via the Internet. The DMV website notifies applicants that if they have moved to another county they must complete and submit a new VRC. A link is provided to the Voter Registration web page of the Secretary of State's website.

D. Reports from the DMV

The DMV sends monthly reports to each county elections office detailing the number for each county of: declinations, registrations, and intra- and inter-county changes of address received by the DMV. Change of address data is included in this report, which allows county elections officials to update their voter registration records for intra-county moves. DMV also sends a statewide report to the Secretary of State.

III. Receipt of VRCs and Processing by County Elections Officials

A. Incoming Voter Registration Cards

1. Sources

- a. Local DMV Field Offices:** DMV field offices forward to the county elections official all VRCs, including minority language forms, completed as a result of in-person transactions in their offices. For a list of field offices by county, please visit the DMV's website: www.dmv.ca.gov
- b. Secretary of State:** VRCs, not pre-addressed to a specific county that were completed and mailed outside of the DMV field offices (for example in conjunction with DMV renewal and change of address applications sent by mail or via the Internet), are sent to the Secretary of State. The Secretary of State forwards these VRCs to the appropriate county elections official.
- c. Other Counties:** Each DMV field office forwards all received VRCs to the elections office in the county where the DMV field office is located. Since DMV applicants occasionally go to field offices outside their county of

residence, county elections offices may receive completed VRCs from applicants who live in another county. These VRCs are forwarded to the appropriate county elections office.

2. Method and Frequency of Transmittal

Generally, the NVRA requires completed VRCs to be transmitted to the appropriate elections official not later than 10 days after acceptance by the DMV. If the VRC is accepted within five days before the last day for registration to vote in an upcoming election, the VRC must be transmitted within five days of acceptance. Further, the NVRA and state law provide that if a valid application is submitted to the DMV on or before the 15th day before an election, the applicant is registered to vote in the election. Therefore, it is very important that completed VRCs are transmitted to the appropriate elections official as soon as possible after acceptance by the DMV.

- a. Local DMV Field Offices:** Local DMV field offices forward all VRCs received to county elections offices on a daily basis. The VRCs are bundled in a large envelope or other container and sent by priority mail. County elections offices may work out alternate arrangements with their local DMV field offices for the transmittal of VRCs.
- b. Secretary of State:** In general, the Secretary of State will sort and forward to the appropriate county elections offices all VRCs received on a daily basis.
- c. Other Counties:** The frequency that county elections offices forward DMV VRCs completed by out-of-county residents will vary according to each county elections office's policy or practice. Each county elections office may want to contact other county elections offices to arrange for specific transmittal methods/frequencies.

3. Processing Voter Registration Cards

DMV employees check to make sure the VRCs are complete and signed by the applicant. For recordkeeping and reporting purposes, the DMV reports to the Secretary of State and to county elections offices the number of DMV registrations in each county. County elections officials must track the number of registrations received from DMV, after subtracting VRCs that are forwarded to other counties and adding VRCs received from other counties.

IV. Common Issues

- A. Registration of 17-Year-Olds:** Under current law, a person may register to vote as long as they will turn 18 before the next election. All completed VRCs should be sent to elections officials, so that elections officials may determine whether the applicant is too young. Elections officials may send those who submitted a VRC, but who are too young to register to vote, a notice informing them of the eligibility requirements for voting.
- B. Incorrect or Missing County of Residence:** Applicants may not know which county they live in, or have moved to, and if they do not ask for assistance from the DMV employee, they may indicate an incorrect county on their VRC. VRCs initially transmitted to the wrong county will be forwarded to the correct county by the elections official who received the VRC.
- C. Late Voter Registrations:** Under the NVRA, a voter registration is timely as long as it is submitted to a DMV office on the last day to register to vote, i.e., the 15th day prior to an election. If there is a delay in forwarding VRCs to the elections office, then the new voter may not appear on the county or precinct voter rolls even though he or she registered on time at a DMV office. If this happens, the voter will be asked to cast a provisional ballot, which will be counted as long as the elections office receives the VRC before the end of the canvass period.

Alternatively, California law permits a voter to file a motion in superior court on Election Day to compel registration if the voter registered to vote on or before the deadline to register at the DMV or another voter registration agency designated as such under the NVRA.
- D. Residence and Mailing Addresses with Different Zip Codes:** The DMV DL 44 and DMV 14 forms ask for (1) a mailing address and (2) a residence address, if different. If the applicant provides both a residence address and a mailing address, the DMV only inputs the zip code for the mailing address.
- E. Driver License Numbers for New DL/ID Applicants:** Although the VRC requests a driver license number, those applicants who are applying for a DL/ID for the first time will not know their number until after the initial phase of the application process is completed. Upon completion, the DMV employee should inform the applicant of his or her DL/ID card number to be recorded on the VRC.

- F. Minority Language Availability:** DMV makes VRCs available in English and Spanish. In addition, an applicant may call a 1-800 number to request a VRC in another language. The Secretary of State prints and distributes VRCs in the following languages: English, Spanish, Chinese, Japanese, Korean, Tagalog, and Vietnamese. Upon request, the Secretary of State will provide county elections officials with VRCs in one or more languages. The elections official will, in turn, supply these forms as required, or upon request, to local DMV field offices within their county.
- G. DMV Mobile Units in Rural Counties:** Some counties do not have DMV field offices, but instead are served by mobile units, or “travel runs.” Processing requirements are the same for travel runs. VRCs are separated from DL/ID applications and forwarded to the county elections office where the DMV office is located.